

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ORDER

Plaintiffs—several middle school students in the Bethel Local School District, their parents or legal guardians, and other parents of students who are not parties to the action—appeal the district court’s order dismissing their claims against the Bethel Local School District Board of Education, several individual Board members, and Intervenor-Defendant Anne Roe, a transgender student, in this action challenging the School District’s policies regarding transgender students’ use of restrooms matching their gender identities. Roe moves to withdraw from the action as a party, arguing that her move to online classes extinguished her interest in the litigation. She

No. 23-3740

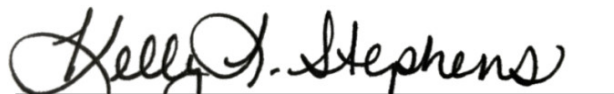
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represents that Plaintiffs do not oppose the motion. Roe separately moves to expedite a decision on the motion.

Federal Rule of Civil Procedure 21 provides that “the court may at any time, on just terms, add or drop a party.” Although the Rule, by its title, applies to the misjoinder and non-joinder of parties, “courts agree that a party may properly seek relief under Rule 21 even in the absence of improper joinder.” *Verizon Md. Inc. v. RCN Telecom Servs., Inc.*, 232 F. Supp. 2d 539, 554 (D. Md. 2002); *Pac. Coast Horseshoeing Sch., Inc. v. Grafilo*, No. 17-cv-02217, 2021 WL 2671885, at *1 (E.D. Cal. June 29, 2021); *see also Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 837 (1989). In determining whether to dismiss a party under Rule 21, we have “consider[ed] whether dismissal will prejudice any of the parties in the litigation.” *Maher v. Federated Serv. Ins. Co.*, 666 F. App’x 396, 401 (6th Cir. 2016) (cleaned up); *see also Am. Nat’l Ins. Co. v. JPMorgan Chase & Co.*, No. 09-1743, 2013 WL 12309805, at *2 (D.D.C. Jan. 4, 2013). And other courts have held that dismissal is appropriate when the other party does not oppose it. *Verizon Md.*, 232 F. Supp. 2d at 554. Plaintiffs do not oppose Roe’s motion to withdraw, and there is no indication that her withdrawal will prejudice Plaintiffs.

Accordingly, the motion to withdraw is **GRANTED** and the motion to expedite is **DENIED AS MOOT**.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk